



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard D. McGaughey

: March 24, 2004

Serial No. 10/676,769

: Group Art Unit: 3624

Filed: 10/01/2003

: Confirmation No.: 7891

**For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH
NEGATIVE COLLECTION INFORMATION**

Assistant Commissioner of Patents
Deputy Commissioner for Patent Examination Policy
BOX DAC
Washington, DC 20231

PETITION FOR CORRECTED FILING RECEIPT UNDER MPEP 1002(b)(27)

Facts:

Applicant filed United States Provisional Application No. 60/415,335 (the '335 provisional application) on October 1, 2002 as noted on the Certificate of Mailing. Exhibit A to Bergin Affidavit. Applicant then filed United States Patent Application No. 10/676,769 (the '769 application) on October 1, 2003, the one year anniversary of the filing of the '335 provisional application as noted on the Filing Receipt. Exhibit B to Bergin Affidavit. The first line of the specification of the '769 application properly claims the priority of the '335 provisional application. Exhibit C to Bergin Affidavit.

Applicant's attorneys received a filing receipt dated December 24, 2003 that incorrectly failed to list anything under the category "Domestic Priority data as claimed by applicant." Exhibit B to Bergin Affidavit. Applicant's attorney recognized this

problem and filed an initial Request for a Corrected Filing Receipt as directed by the Office of Initial Patent Examination. Exhibit D to Bergin Affidavit.

On January 21, 2004, applicant was then mailed a Response incorrectly stating "The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority. 60/415,335 filing date 10/01/02." Exhibit E to Bergin Affidavit. Obviously, the '769 utility application was filed on the anniversary of the filing date of the '335 provisional application, thus entitling it to the October 1, 2002 priority date and the matter should have been appropriately concluded with the issuance of a corrected filing receipt.

Applicant submitted a Second Request for Corrected Filing Receipt on February 26, 2004. Exhibit F to Bergin Affidavit. In a bizarre twist, applicant's request was again denied, this time on the grounds that: "[t]he filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required. 60/415,335 Filing Date 9/30/02." Exhibit G to Bergin Affidavit. As an initial matter, the filing date of the '335 provisional application is 10/1/02. Secondly, the applicant never requested that the filing date of the '335 provisional application be changed.

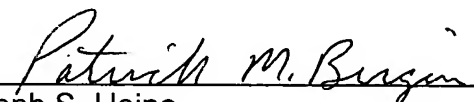
Requests:

1. Therefore, based on the above, applicant respectfully suggests that both responding officials were in error in denying applicant's request for a corrected filing receipt and that applicant be granted a corrected filing receipt listing the '335 provisional application under the Domestic Priority section.

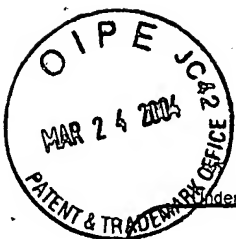
2. In the event the filing date of the '335 provisional application is not 10/1/02, as shown in Exhibit A, applicant requests a copy of the filing receipt or any other proof by the Office that 10/1/02 is not the correct filing date of the '335 provisional.

3. Applicant also requests a refund of the entire petition fee based on error by the Patent Office under 35 U.S.C. § 376(b) and 37 C.F.R. § 1.26 in denying the request for a corrected filing receipt.

Respectfully submitted,
Richard D. McGaughey, Applicant

By 
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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/676,769	
	Filing Date	10/01/2003	
	First Named Inventor	Richard D. McGaughey	
	Art Unit	3624	
	Examiner Name		
Total Number of Pages in This Submission	19	Attorney Docket Number	13133.20613

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks Petition for Corrected Filing Receipt Under MPEP 1002(b)(27) Affidavit of Patrick M. Bergin Affidavit Exhibits A through G	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Patrick M. Bergin	
Signature		
Date	3/24/04	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name		
Signature		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



In re Application of:

Richard McGaughey

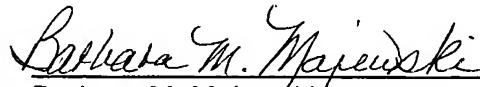
For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH
NEGATIVE COLLECTION INFORMATION

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EV290190915US

Date of Deposit: March 24, 2004

I hereby certify that the attached Transmittal Form (1 page), Petition for Corrected Filing Receipt Under MPEP 1002(b)(27) (2 pages), Affidavit of Patrick M. Bergin with Exhibits A through G (15 pages), and return postcard is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Mail Stop Petition, P.O. 1450, Alexandria, VA 22313-1450.


Barbara M. Majewski



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard D. McGaughey

:
: March 24, 2004

Serial No. 10/676,769

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: Group Art Unit: 3624

Filed: 10/01/2003

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**For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH
NEGATIVE COLLECTION INFORMATION**

Assistant Commissioner of Patents
Deputy Commissioner for Patent Examination Policy
BOX DAC
Washington, DC 20231

AFFIDAVIT OF PATRICK M. BERGIN

1. I, Patrick M. Bergin, am an attorney registered to practice before the United States Patent and Trademark Office. My Registration Number is 54,994.
2. Exhibit A is a copy of the Provisional Application for Patent Cover Sheet that accompanied Provisional Application No. 60/415,335.
3. Exhibit B is a copy of the Filing Receipt for United States Patent Application No. 10/676,769 (the '769 application) received by applicant.
4. Exhibit C is a copy of the first page of the specification of the '769 application as filed by the applicant.
5. Exhibit D is a copy of the Request for Corrected Filing Receipt for the '769 application, filed on January 12, 2004.

6. Exhibit E is a copy of the Response to Request for Corrected Filing Receipt.

7. Exhibit F is a copy of the Second Request for Corrected Filing Receipt.

8. Exhibit G is a copy of the Response to the Second Request for Corrected Filing Receipt.

Dated March 24, 2004

Patrick M. Bergin

Patrick M. Bergin

Reg. No. 31,524

DAVIS & KUELTHAU, s.c.

111 E. Kilbourn Ave., Ste. 1400

Milwaukee, WI 53202-1633

(414) 225.1452

Subscribed and sworn to before me this
24~~th~~ day of March, 2004.

Barbara M. Majewski

Notary Public, State of Wisconsin

My Commission: 3/14/04



PTO/SB/16 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EJ602679180US

INVENTOR(S)					
Given Name (first and middle [if any])		Family Name or Surname		Residence (City and either State or Foreign Country)	
Richard		McGaughey		Gurnee, IL	
<input type="checkbox"/> Additional inventors are being named on the _____ separately numbered sheets attached hereto					
TITLE OF THE INVENTION (500 characters max)					
Methods and apparatus for sharing revenue associated with negative collection information.					
Direct all correspondence to: CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number		<input type="text"/>		<input type="text"/>	
OR		Customer Number		Customer Number Bar Code	
<input checked="" type="checkbox"/> Firm or Individual Name		Grossman & Flight, LLC (Attn: Jim Goedken)			
Address		20 North Wacker, Suite 4220			
City		Chicago	State	IL	Zip
Country		US	Telephone	312-580-1020	Fax
				60806	312-580-9698
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/> Specification Number of Pages		5	<input type="checkbox"/> CD(s), Number		
<input checked="" type="checkbox"/> Drawing(s) Number of Sheets		1	<input type="checkbox"/> Other: <input type="text"/>		
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76					
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.					
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the filing fee					
<input type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number: <input type="text"/>		FILING FEE AMOUNT (\$)			
		\$80.00			
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.					
<input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are:			

Respectfully submitted,

SIGNATURE

TYPED OR
PRINTED NAME

TELEPHONE

James F. Goedken

312-580-1024

Date 10/1/2002

REGISTRATION NO.
(if appropriate)

44,715

Docket Number:

20000/10001

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. <u>EJ602679180</u> in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.	
Dated: <u>10-1-02</u>	Signature: <u>James F. Goedken</u> (Name of Signer)

EXHIBIT

A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/676,769	10/01/2003	3624	712	13133.20613	8	42	6

CONFIRMATION NO. 7891

FILING RECEIPT



OC000000011567919

24382
 JOSEPH S. HEINO, ESQ.
 DAVIS & KUELTHAU, S.C.
 111 E. KILBOURN
 SUITE 1400
 MILWAUKEE, WI 53202-6613

Date Mailed: 12/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Richard D. McGaughey, Racine, WI;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/23/2003

Projected Publication Date: 04/07/2005

Non-Publication Request: No

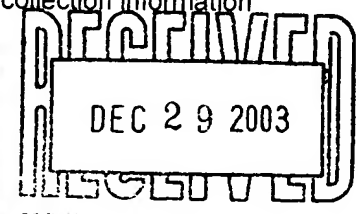
Early Publication Request: No

** SMALL ENTITY **

Title

Methods and apparatus for sharing revenue associated with negative collection information

Preliminary Class



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

APPLICATION FOR UNITED STATES PATENT

SPECIFICATION

5

METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED
WITH NEGATIVE COLLECTION INFORMATION

10

This application claims the benefit of U.S. Provisional Application No. 60/415,335, filed
10/1/2002.

TECHNICAL FIELD

15 The present invention relates in general to computer systems and, in particular, to
methods and apparatus for electronically reporting credit information and for sharing revenue
associated with negative collection information. The uploaded information is automatically
tallied and reported via a computer that is configured to provide up-to-date, on demand
information to a collection information supplier any time.

20

BACKGROUND

Often, when a person or company is extended financial credit and that credit is in default,
the matter is turned over to a collection agency for resolution. Typically, the collection agency
25 reports this "negative" credit information to a credit bureau once a month on a magnetic tape.
However, most collection agencies are under no legal or financial obligation to report the
negative collection information to the credit bureau. The credit bureau stores negative collection
information collected from hundreds of collection agencies in a database.

For a fee, subscribers to the database may access the negative collection information.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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703.746.9195

Certificate of Transmission under 37 CFR 1.8

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on 1/12/04
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Signature

Joseph S. Heino

Typed or printed name of person signing Certificate

App. No. :10/676,769

Inventor: Richard D. McGaughey

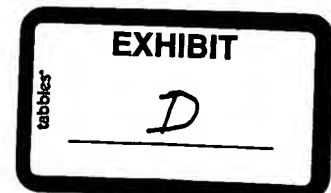
Confirmation No.: 7891

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Documents: Request for Corrected Filing Receipt with attachments.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard D. McGaughey

: January 12, 2004

Serial No. 10/676,769

: Group Art Unit: 3624

Filed: 10/01/2003

: Confirmation No.: 7891

**For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH
NEGATIVE COLLECTION INFORMATION**

Commissioner of Patents
Office of Initial Patent Examination's Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 746-9195

REQUEST FOR CORRECTED FILING RECEIPT

The above-referenced application was filed on 10/1/2003 claiming the benefit of U.S. Provisional Application No. 60/415,335 filed on 10/1/2002, as referred to in the first page of the present application, a copy of which is attached to this document as well a copy of the original filing receipt. Applicant respectfully requests issuance of a corrected filing receipt in accordance with that priority claim.

Respectfully submitted,
Richard D. McGaughey,

By 

Joseph S. Heino
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UNITED STATES PATENT AND TRADEMARK OFFICE

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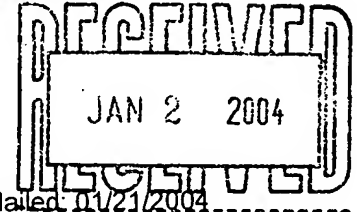
APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/676,769	10/01/2003	Richard D. McGaughey	13133.20613

CONFIRMATION NO. 7891

24382
JOSEPH S. HEINO, ESQ.
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN
SUITE 1400
MILWAUKEE, WI 53202-6613



OC000000011728623



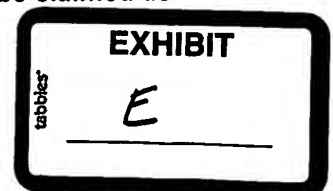
Date Mailed: 11/21/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as



— domestic or foreign priority. 60/415,335 filing date 10/01/02

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Haimanot Tegbarn
Customer Service Center
Office of Initial Patent Examination
(703) 308-1202

To: Office of Initial Examination
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Date


Signature

Joseph S. Heino

Typed or printed name of person signing Certificate

App. No. :10/676,769

Inventor: Richard D. McGaughey

Confirmation No.: 7891

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Documents: Second Request for Corrected Filing Receipt with attachments.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT

F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard D. McGaughey

: February 26, 2004

Serial No. 10/676,769

: Group Art Unit: 3624

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**For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH
NEGATIVE COLLECTION INFORMATION**

Commissioner of Patents
Office of Initial Patent Examination's Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 746-9195

SECOND REQUEST FOR CORRECTED FILING RECEIPT

The above-referenced application was filed on 10/1/2003 claiming the benefit of U.S. Provisional Application No. 60/415,335 filed on 10/1/2002, as referred to in the attached Response to Request for Corrected Filing Receipt. The applicant respectfully disagrees with the conclusion reached by the Office to the effect that the application to which priority is claim "was filed over a year prior to the filing date of this application."

Referencing §201.04(b) of the Sixth Edition of the Manual of Patent Examining Procedure (Revised July 1997) by way of example, the following statement is made:

For example, if a provisional application was filed on June 28, 1996, the last day of pendency of the provisional application under 35 U.S.C. 111(b)(5) is June 28, 1997.

Similarly, referencing § 201.04(b) of the Eighth Edition of the Manual of Patent Examining Procedure (Revised February 2003), the following less direct statement is made:

For example, if a provisional application was filed on January 15, 1999, the last day of pendency of the provisional application under 35 U.S.C. 111(b)(5) and 35 U.S.C. 119(e)(3) is extended to January 18, 2000 (January 15, 2000 is a Saturday and Monday, January 17, 2000 is a Federal holiday and therefore, the next succeeding business day is Tuesday, January 18, 2000). A nonprovisional application claiming the benefit of the provisional application must be filed no later than January 18, 2000.

In this last example, it is clear that, but for January 15, 2000 being a Saturday, the last day of pendency would be January 15, 2000. In the instant situation, the provisional application was filed on October 1, 2002. Accordingly, the last day of pendency of the provisional application under 35 U.S.C. 111(b)(5) is October 1, 2003. October 1, 2003 is the date of filing of the instant application. Accordingly, the priority claim of October 1, 2002 should be reflected in the instant application. Correction is respectfully requested.

Respectfully submitted,
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By 

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/676,769	10/01/2003	Richard D. McGaughey	13133.20613

CONFIRMATION NO. 7891

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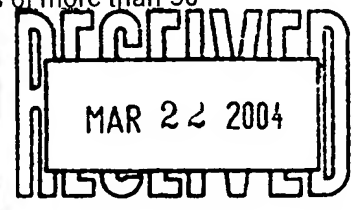
Date Mailed: 03/18/04

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Claims, Fees, and Inventors

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50



— characters (letters and spaces combined).

☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).

☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).

☐ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.

☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.

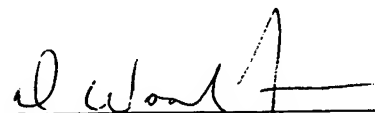
☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.

☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.

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☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.

☒ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required. **60/415,335 Filing Date 09/30/02**



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